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Date: <u>June 30, 2004</u>

Thereby certify that, on the date indicated above, I deposited this paper with identified attachments and/or fee with the U.S. Postal Service and that it was addressed for delivery to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 by "First Class Mail" service.

Donald S. Prater

Name (Print)

Vonaly S. Vactor

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: HELLBERG et al.	) Examiner: Unassigned
Application No.: 10/723,208	) Group Art Unit: 1614
Filed: November 26, 2003	) Confirmation No.: 852
Docket No.: 2162 (3010-009-01)	) Customer No.: 33432

For: NOVEL ARYLAMINOPROPANE ANALOGUES AND THEIR USE FOR THE TREATMENT OF

**GLAUCOMA** 

## <u>PURSUANT TO 37 CFR 1.97(b)</u>

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

June 30, 2004

Sir:

The attention of the Patent and Trademark Office is hereby directed to the documents listed on the attached Form PTO-1449. Since this application has a filing date after June 30, 2003, no copies of U.S. Patents/Patent Application Publications are provided. One copy of each foreign publication and "other" documents are attached.

This Information Disclosure Statement is being submitted after expiration of the three-month period following filing of the above-captioned application, but before an Office Action on the merits and before any final Office Action or Notice of Allowance.

Should a first Office Action cross in the mail with the filing of this Information Disclosure statement, then the applicants respectfully petition under 37 C.F.R. §1.97(c) to consider the documents set forth in the Information Disclosure Statement.

The above information is presented so that the Patent and Trademark Office can, in the first

Information Disclosure Statement

U.S. Patent Application No. 10/723,208

instance, determine any materiality thereof to the claimed invention. See 37 C.F.R. §§1.104(a) and

1.106(b) concerning the PTO duty to consider and use any such information. It is respectfully

requested that the information be expressly considered during the prosecution of this application,

and that the documents cited in the attached Form PTO-1449 be made of record therein and appear

on the first page of any patent to issue therefrom.

This submission does not represent that a search has been made or that no better art exists

and does not constitute an admission that each or all of the listed documents are material or

constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in

this application and the applicants determine that the cited documents do not constitute "prior art"

under United States law, the applicants reserve the right to present to the office the relevant facts

and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of

the disclosed invention over the listed documents, should one or more of the documents be applied

against the claims of the present application.

It is believed that no fee is required to make this a complete and timely filing. However, if it

is determined that a petition or fee is required, the Commissioner is hereby authorized to charge any

fee associated with this statement to our Deposit Account No. 50-0925 and please consider this a

petition.

Respectfully submitted.

A. C. 21

Luke A. Kilyk

Reg. No. 33,251

Atty. Docket No.: 2162 (3010-009-01)

KILYK & BOWERSOX, P.L.L.C.

53 A East Lee Street

Warrenton, VA 20186

Tel.: (540) 428-1701

Fax: (540) 428-1720

Enclosures:

PTO-1449, w/26 Documents

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FORM PTO-1449 (REV 7-80)					Atty. Docket No. 2162 (3010-009- Application No. 10/723,208 01)							
INFORMATION DISCLOSURE STATEMENT				APPLICANT: Hellberg et al.								
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	<u> </u>	1	1		PATI	ENT DOCUMI	ENTS	<del></del>		1		
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XAMINER								

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.